# TRIMMING RIVERSIDE HOUSES

PARK DEPARTMENT TO BEGIN THE WORK TO-DAY

time heard over the rejectione from of his house would

They had a right away the first of next wondows and how fronts

all to be able to tell the court | torpedoes. R. Wetson stivised had no afternative in this he must process at t that Mr. Stover 1 eed of the demolition of the is and that was one reason

West Eighty second street, with a shallow between him and the road ay. be property of Mrs Charlotte who is about 80 years old, ives in the adjoining house Fighty-second street. She is winant in the suit which brought Department's action yesterday the house in which Mr S is Mrs. Margaret Cross, who in Hawan

ch is owned by Walliam Snow; Vinterburg, in 194; Mrs. Mary 105, and Charles Austin Bates, tising agent and promoter, in is on West Eighty-shird street ents of all the houses in the gone away for the summer He sells for Europe ing the front wall of his house pared need not fear spending the night with the the power of suspension meant a loss to · absence

ses in this block were built on years ago by Clarence ! most of Riverside Drive

ng line, provided they didn't re than four feet beyond it necessitated an operation, which was perpurchased the right to build his formed by a surgeon from Albany. be in the block between West has be did that sort of thing. other of other blocks along

te other house fronts on Riverside taken off in case the city is conits action begun yesterday stween his and West Eightystreet that didn't offend. like to know," said Mr. Stover tow many other offenders New York like those in this

dute allowing the Park Departte permits for encroachments declared void by the courts. a was in a suit brought by Mrs. he owner of the property ad Snow's house on the south aman said that her suit was 1809, following a difference beand either Mr or Mrs. True ember which, and that ere of property involved was 102, the only dwelling in the to case were disallowed in the irts, but the statute was still and The matter was fought orth for ten years, partly be-

wher of 102 actually was and of trying to get at an inintendant in the action, so she "to shave off the house fronts must at once correct the evil or he will Mr Blackman explained be arrested. couldn't pick out a single house ck, so she had to invoive all five

Ackerman couldn't find out

fically a defendant Judge Plated the application on that ground. the Appellate Division her appli-Was granted, and the writ of mansamed three weeks ago. Since as been a matter of much correor letween Mr. Stover and Cortounsel Watson Mr. Stover that his action was taken rebut that courts had to be id that they would be obeyed.

to order.

ing one. The Federal Judges said the? couldn't interfere with the process of the State courts, so Mr. Blackman averred

Mr. Blackman says he doesn't see that there is any recourse left for the property The city of New York can go Residences Emeronch on the Brive to the Court of Appeals in the case," said President Seeks to Beassure Stockholdand the Courts Have Ordered Stover he, "but we can't, because none of the to that Them flown No Further : Properly owners is a party to the suit So far as I can see, they haven't any redcess. I have appealed to the Corporaat 102 tion Counsel to carry the matter higher, but he refuses

Mr. Plackman said that the specific grievance which Mrs. Ackerman stated in her complaint was that the extensions in front of 102 Riverside Drive shut off her | make a club of that law, nor does it desire view of the river and also interfered with "We have tried to settle with Mrs Ackerman," he declared, "but she won't listen to any plan of settlement We have even offered to shave off such projections as she can see from her house she won't listen to that either Vicetto, the de- don't see but that the Park Department

will have to go ahead." Mr. Stover says he doesn't know where by money will come from to pay for the time of his men, but he declares that he's ee's and made sur- going to go ahead nevertheless and st how muck of the the hommer and saw business will begin

### with them who looked on. TO STOP SALE OF FIREWORKS. Acritelli Thinks He's Found a Way No Special Noise Order for Police

Ex-Coroner Peter P. Acritelli appeared efore Magistrate Butts in the night ourt last night in his capacity as a memexplained yes ber of the Municipal Explosives Commisasserry about it but that I sion, with what he believes will be at athus had been paged least a partial solution of the question cuised by the Magistrate Thursday night with regard to the power of the police to of the new law with the President. He arrest sellers of fireworks the encroachments was that of Abe Feldman, who has a sta- ticularly the one granting the commission broken her left foot was decked saleswomen would be allowed to West Eighty-second tionery store at 504 West 135th street rit is recurrable next Tues, and who sold a policeman a bundle of

Feldman had been paroled by the Magistrate until last night so that the attention of the Municipal Explosives commission and of the District Attorney could be called to the matter. Magis trate Butts had expressed the opinion that violations of the city ordinance covering such selling could be punished only by civil suit brought by the Corpora tion Counsel to recover a penalty.

Acritelli asked the Magistrate to change the charge against Feldman from a violation of the city ordinance to violation of section 1891 of the penal law which deals with the manufacture and keeping of explosives within a city and in tenement houses. The change made, and Feldman was held in \$100 bail for Special Sessions.

Commissioner Baker issued special or ders yesterday putting every policeman 8 A. M. July 5. No special orders will be issued regarding the noisy small boy Commissioner Baker said:

forced as usual." From the Commissioner's attitude it

### WILLIAMS ORATOR DIES.

architect and builder who Arthur B. Powell Stricken, With Many Others, After Alumni Dinner.

Archur B. Powell of would hare wide how fronts, jutting Monichit, N. J. a member of this year's share more beyond the building graducting class of Williams College, who how it was that these houses was taken ill the day after the commenceas attorneys for Mrs. Cross, inged 23

if is illness was caused, the physicians ese houses were built," said believe, by something eaten or drunk at that the talk between the President and there was a statute allow- the slumni dinner, which also affected Col. Roosevelt was almost exclusively as that of a Paris dentist

Department to sell permits some Sitz or more alumni and members social. As one of those who were present traction of projections over of the present graduating class. Appendicit is developed on Sunday and aroung in a ring and talked about every.

The young man, who was a popular and prominent member of his class, was the class day orator in the exercises last week | deat decided they would not let that part and and West Eighty-third and in undergraduate life he held a promment place. He played both baseball and the new international peace commission. member of the glee, banjo and mandolin velt has been suggested, but no decision tunker. It look as though there clubs. He also belonged to various student societies.

He was born in New York city and was the only son of Mr. and Mrs. William saidhe thought that there wasn't Powell. His mother and his roommate. Alvin S. Meland of Redwing, Minn , were "And with him at the hospital at the time of his

# AUTOS MUSTN'T SMOKE.

New Ordinance in Effect Police Detail

Looking for Offenders. The amendment to the Sanitary Code relating to smoking automobiles adopted two months ago by the Board of Health became operative yesterday. By it the drivers and owners of autos that throw out smoke are liable to arrest and fine Commissioner Lederle of the Health Department had seventy men of the sanitary squad detailed yesterday throughout the city to see that the new ordinance

was obeyed. Five of the men were on Speaking of the enforcement of the new ordinance Commissioner Lederle said: "Of course we don't want to be too severe on automobilists, but those who persist in sending clouds of offensive smoke from their cars into the faces and nostrils of pedestrians must be discineution to Judge Platzek in plined. In cases where only a slight the Court for the issuance of smoke is issuing the motorist may be permandamus requiring the Park mitted to go on with a warning, but he

> "I have taken into consideration the fact that in ascending a hill a car is liable to smoke because of the flow of oil in the an Still while a slight smoke may be verlooked under such conditions, hill limbing will not be accepted as an excuse cars to incessantly smoke are in the minority and we do not expect to have any trouble in enforcing this provision of the Sanitary Code No arrests were made vesterday by the

## Lebowitz is to Be Loch.

Edward L. Lebowitz, a public school ntly they will be Mr Blackman teacher, get permission from Supreme to three Judges of the United Court Justice Giegerich yesterday to preceding his address at the Harvard an injunction restraining the partners from going ahead in the sound of the houses on Riverside takes him some time to bring the pupils.

# TO BADGER RAILROADS

TAFT DIRECTS A MODERATE USE OF NEW RATE LAW.

ers and Investors Has an Hour's Talk Commerce Commission About It.

BEVERLY, Mass . July 1 The new railroad rate law will not be used to hammer down railroad rates

The Administration does not intend to to harass the common carriers of the country unnecessarily by the arbitrary suspension of rates

Under the law just enacted the Inter-

This power, regarded by some railroad criminately. The commission will invoke it only when the facts it finds upon investigation warrant drastic methods.

That was the conclusion reached by President Taft and Chairman Martin A. Knapp of the Interstate Commerce Commission at an hour long talk at the Evans cottage, on Burgess Point, late this after

Mr. Knapp had been summoned to Beverly to talk over the application The case was able to discuss its features, and parpower to suspend rates, with full knowledge of the situation.

The President has never thought that the commission should hold up every tariff proposed by a railroad. He only wished to see that body given power to apply this brake on occasions where

had to take restraining action Information has come to the President hat they have feared that no rate raised would stand a chance before the scrutinizing eye of the commission. This im-

pression he wished corrected Already the commission has refused to aspend the vehicle and auto rate. It rafused because there was no prima farie evidence that it was unreasonable This same method will be employed in the future. If there is a prima facie case against a proposed rate the commission will suspend and investigate begin an investigation it probably will

not do so While the President does not approve of any wholesale use of the rate sus- of one of the Cumberlands. pension power he does not, on the other hand, think that the cries of alarm from was gathered that much would be left Wall Street have any basis in reason. He to the discretion of the policeman on has been informed that there has been a post and that the small boy who was lot of speculation in the Street based satisfied with a moderately noisy Fourth upon the fears of railroad investors that

> stories that the new law and particularly this same clause would frighten European investors and that in consequence when crop moving time comes the country

Altogether the Administration attitude on the Paris-Vincennes line seems to-day to be that the new law is structed was told last night ment clumni dinner, died late last night being "trief out". There is not to be any robbing her he heard a scream in the next to renewed effort. I haven't the slightest L. Blackman, of Atwater A in the college infirms yet Wilhamstown, resort to it in baste with repentance at carriage and jumped out. He was leisure.

It became known definitely here to-day on the porch at the time put it: "We sat

The Colonel told about his trip through Africa and Europe, and if there was any touch of politics both he and the Presiout at all. There was some mention of football with his class teams and was a for the chairmanship of which Col. Roose

> was reached as to its composition. About Gov. Hughes and the possibility of his declining the Supreme Court position which Mr. Taft has offered there was

nothing learned at all. The President was distressed to that the New York Legislature had defeated the Cobb direct primary bill. He thought the defeat "most unfortunate, as he told friends, because if the bill had become law the principle of the direct primaries would have been given a most

valuable tryout From now on the President probably will see members of his Cabinet who are not travelling every once in a while. The first to come will be either Secretary Meyer or Secretary Ballinger. Both have business of a pressing nature that needs Presi-

dential attention. Outside of the talks with Cabinet officers and the big time he is going to have on the Fourth of July shooting along through Boston and its suburbs the President in tends to rest until about July 15 as hard as he can rest. Already he has acquired a fine coat of tan from his golfing and motoring expeditions and looks as if the few days here had helped immensely.

George Otis Smith, director of the Geological Survey, will be the first head of the new bureau of mines, just created by of Congress. Informal announcement that Mr. Smith will be put in this position was made for President Taft today. Mr. Smith will not become the permanent head of the bureau, according to the present plan of the President, but will assume charge temporarily in order that t may be organized and started going. Later the President will select another man, it was said. Mr. Smith will then be returned to his old job as director of the

Survey. The President is not finding it easy get the man he wants to head this new bureau, which is regarded as important There have been several men mentioned prominently, including Dr. J. A. Holmes of the Geological Survey, but it was said today that no decision has been reached. President Taft will be the guest of President Lowell at luncheon next Monday

SUPERIOR TO LEMONADE-Horsford's seld Phosphate added to a glass of cold water, with sugar, refreshes and invigorates — Adv.

National Educational Association.

## Woman's Skull Fractured and Others Suffer Broken Limbs.

HACKEYSACK, N. J., July 1. Paul R. Atkinson, treasurer of the Edison Company in Brooklyn, who lives at 260 Seventy sixth street, Brooklyn; Mrs. Fox, mothern-law of his cousin; Charles F. Hossman of River Edge, N. J., and Miss Margaret With Chairman Knapp of Interstate Hossman were all badly injured to-nigh! when Mr. Atkinson's automobile collided with a telegraph pole at Arcola. Mrs Fox is not expected to live

The accident took place three miles the two women were on their way to Oak Ridge, where Mrs. Atkinson is stay ing They wished to arrive before midnight and the automobile was travelling at high speed

Just beyond Arcola the road makes a sharp turn. The curve is unlighted and a tate Commerce Commission is authorized | deep ditch borders it. There is a telegraph | I to suspend any rate for eleven months pole near by. It is supposed that a steerpending its determination of the rate's ing knuckle broke and the automobile instead of swerving went straight on. crashing into the pole

No one saw the accident. It was not will not be used arbitrarily and indis- a man driving along the road noticed the wrecked automobile lying in the shadowy ditch. He got out and saw three people who appeared to be dead. He hurried S. S. Hallett. The two physicians and an ambulance arrived at the scene of the accident in ten minutes.

death almost certain. Miss Hossman had and grieved to learn that no yellow be budly forn Mr Atkinson's left leg was display their wares in the park. broken and he seemed to be suffering from internal injuries

### SUES PASTOR FOR A PRAYER. leged Misdeeds Told to the Lord.

NEOGA. Ill., July 1.- The Rev. R. F. Fisher, pastor of the Neoga Presbyterian that since the law was enacted railroad Church, was made defendant to-day in men have become afraid of that clause; a \$500 libel suit, following his refusal to tell the Lord that he had wronged Jacob Strohl, a wealthy German farmer.

'O Lord, make Brother Strohl a better man: cause him to pay his debts and cease backbiting," fervently supplicated the minister in a prayer which startled his ongregation

"Now, you'd better make another Lord," declared Strohl when Fisher conluded. Fisher refused.

Several years ago the Cumberland ty on duty from 2 A M July 4 to further; if there is not good ground to Presbyterians, of which Strohl was a member, built a church which was taken by Strohl opened the service with a prayer

grace for the pastor. Fisher followed with the prayer that

### caused Strohl's suit for damages. DENTIST TURNS ROBBER

Scream Robber Ground to Death. PARIS, July 1 An attempted railway murder, in almost similar circumstances of the killing of Mme. Gouin by

Crime in French Railway Carriage

two soldiers recently, occurred to-day A man felled a woman. While he was

crushed by a passing express woman is in a critical condition The body of the man has been identified

### SOLDIERS ON A RAFT. Men Playing Hookey From Governors

Island Were Drifting Out to Sea Four soldiers, members of the force stationed at Governors Island, were picked in from a crude raft last night by the rew of the ferryboat Manhattan of the Staten Island municipal ferry

The raft, made of three logs tied together with rope, was drifting toward Staten Island, and the men, with no means

The rescue was made shortly after s clock. The soldiers described themplained that they had become tired of ica. There are covernors Island and had tried to get the trust compa in this they had made a raft out of logs. Land company. had floated ashore on the island ad started to paddle themselves across

They had sticks for oars, but found that they would not do the business, and that the raft drifted rapidly out toward the They said that they shouted to the

tains of tugboats to help them but the latter only laughed. The ferryboat brought the quartet on to Manhattan and the men, getting over their fright, knocked about town until the last ferry left the Battery for

# FUNERAL AT MIDNIGHT.

Governors Island.

Weird Masonic Ceremony Conducted Over the Body of Dr. Nunn. SAVANNAH, Ga., July 1. The funeral of Dr. J. Nunn, thirty-third degree Mason and

a prominent member of the Scottish Rite. took place at St. John's Episcopal Church at midnight to-night. Col. Robert L. Colding, an attorney, was the officer in control. He and those assisting him wore black robes

throughout the edifice was the pall of black The church was packed to the doors. hour and a half before the time for ceremony to begin the square in front of the church began to fill with men and women and before the opening hour the square was crowded. At the conclusion of the ceremony the hode the ceremony the body was carried a few men who had been close to Nunn in life to Bonaventure Cemetery.

# where the body was placed in the grave

A report reached New York last night that Jesse Lewisohn had married abroad and that Edna McCauley, a former show girl, was his wife. The report had it that they were married in London a few

Their engagement has been reported om time to time. Jesse Lewisohn is a son of the copper mine owner, Leonard Lewischn Jesse's brother Oscar mar-ried Edna May. Edna McCauley is a Brooklyn girl, daughter of a former Stadium before the members of the Lewisohn. Brooklyn girl, daughter of a former policeman. She and Lewisohn have been much together in the last year or

# REBUFF TO THE SUFFRAGETTES

STOVER WON'T LET THEM SELL THINGS IN THE PARKS.

Had the Hardihood to say That if They Sold Emblems in the Streets They'd Have to Take Out Pedlers' Licenses As to the Parks, Just Keep Away.

The Twenty-third street suffragettes have been busy all this week fashioning pital. west of Hackensack. Mr Atkinson and hundreds of confections in blue and yellow. the colors of the United Suffragettes of America, with a view to tempting the purses of the patriots who will assemble in City Hall Park on Monday to celebrate the old fashioned Fourth.

But all in vain did Mrs. Sophia Loebinger tie on a bushel basketful of lovely cigar fans that particularly fetching brand of bow that she alone knows how to make. and to no purpose whatever did Mrs. Sadie Keene toil for hours over the conmen as a menace to their prosperity, until perhaps half an hour afterward that coction of dozens and dozens of the latest things in rosettes. Mrs. Beatrice Lloyd and Miss Helen Murphy and other enthusiasts, who have spent evening after to Arcola and telephones to Dr. G. H. evening when they might have been down Dr. McFadden informed the at the beach watching the waves in mak-Hackensack Hospital and called up Dr. ing flags and powder puff cases, have just simply been wasting their time.

Mrs. Loebinger, who thought that the The doctors found the three persons city officials were ready to do everything inconscious. They were hurried to the in their power to push along the propahospital in Hackensack. There it was ganda of the great cause of woman, tele found that Mrs Fox's skull was fractured phoned yesterday afternoon to Commisand one of her legs was broken and that sioner Stover just to exchange the cour she had suffered other injuries that made tesies of the season and was surprised "Why, he actually told us that we

couldn't sell any of these beautiful souvenirs anywhere at all in the city unless each one of us took out a pedier's licence, she said yesterday afternoon, "and a pedler's license costs \$2. Consequently the thing is all off."

"But \$2 isn't much in comparison with what you would make by selling all these." said a sympathizer with an admiring glance at the piles of blue and yellow trifles. "Why don't you all get pedlers licenses and keep on selling things until they run out?"

"I don't think we would be justified in taking that amount of money out of the treasury," said Mrs. Loebinger. see we have been under a great deal of prayer and straighten things up with the expense recently, and we are planning a monster campaign for the fall. I tell you what we will do, though, we will compromise on a hurdy gurdy. It's pretty hot work dragging it through the streets and turning that great big crank, but the Presbyterians. Recently Strohl asked we don't mind a little thing like that when Fisher to preach the funeral services it is for the good of the cause. Of course we sell our magazines without a pedler's license everywhere on the streets. The for unity and fervently prayed for more Park Commissioner won't let us do even that much, however, in the parks on the Fourth

"I don't want to criticise his action, be cause he has always been very courteous to us, but I must confess that we were very much surprised and disappointed when we received his ultimatum this There is nothing for us to do afternoon but to submit gracefully and try to do the best we can with the limited resources at our command. Our hearts are in this work, and no matter what obstacles are put in our path we cannot really be de-

"Every setback we get only spurs us or doubt but what we shall in some way or other raise that \$5,000 we need for our

fall campaign by October 1." Mrs Loebinger refused to disclose the details of the campaign, but she assured her listeners that they were of a nature

### to make the most phlegmatic sit up. WALL STREET BUILDING SOLD. Trust Co. of America Purchases Place Where It Has Its Offices

The twenty-five story office building at 37 to 43 Wall street was transferred y sterday by the Land Purchase Company to the Trust Company of America, which occupies the lower part of the of steering it or propelling it, were bailty building. The consideration stated is frightened and were calling loudly for \$2,000,000. The building has a frontage help. They were afraid that they might of 61 10 feet and a depth of 117 and is about 100 feet west of William street. It was o'clock. The soldiers described them purchased in 1906 by the Land company, selves as Corporal Eggleston and Privates, which is headed by Oakleigh Thorne, Burke. Radford and Tanner. They expressed to the Frust Company of American ica. There are several other officers of the trust company associated with the

### PRINCESS APPEALS. spostolic Segnatura May Reverse Rota Finding on Rospigliosi Marriage.

Special Cable Despatch to THE SUN. ROME, July 1.—The Princess Rospigliosi, formerly Mary Jennings Reid of Washngton, has appealed from the decision of the Court of the Rota, the Pontifical tribunal, declaring that her first marriage to Mr. Parkhurst was valid and that onsequently her marriage to Prince Rospigliosi is null and void. Her lawyer is confident that the supreme tribunal, the Apostolic Segnatura, which is composed of Cardinals, many of whom examined the case when it was before the Congregation de Propaganda Fide, will

reverse the judgment of the Rota. Princess Rospigliosi says the decision of the Rota astonished her, as the proofs that Mr. Parkhurst was not baptized when he married her were most convincing several Bishops in America and many Cardinals and prelates here.

She adds that Cardinal Martinelli assured her that her first marriage was invalid, while Cardinal Satolli summoned her to his bedside a few days before he died and told her he had examined the case thoroughly and was convinced that her second marriage was valid. He declared that her conscience need not be troubled.

Torpedo Boat Burger Beats 16 Knots. NEWPORT, July 1.- The Burger subsurface torpedo boat here this afternoon in a four hour standardization test under the direction of the naval trial board developed better than sixteen knots. The boat arrived in the early afternoon and the trial board started the official

SPECIAL TRAINS FROM ATLANTIC CITY JULY 4. Leave Atlantic City, Pennsylvania Railrond for Trenton, Elizabeth, Newark, Jersey City, New York, 400 F. M. and 5:30 P. M. Juty 4. Par-lot cars, dining car, coaches.—Adv.

RESCUED AFTER LONG SWIM.

John Berger Says He Kept Aftont From Before Midnight Till Nearly Daylight. ATLANTIC CITY, N. J., July 1.-Police who heard cries from the surf shortly before daylight this morning waded into the water and dragged out a man who said he was John Berger of New York city and that he fell from the end of the steel pier before midnight last night The man appeared thoroughly exhausted but was still floating when rescued. He came around all right in the City Hos-

The police later found a man's coat on the end of the pier. In one of the pockets was a note in which the man wrote that he was going to end his troubles by jumping overboard and the police believe that Berger plunged into the sea and afterward changed his mind about ending his life. Berger is still in the hospital and refuses to admit that he at-

### SLUR BOOKER T. WASHINGTON.

One Delaware Town Council Didn't Want Him Speaking in Public Square. WILMINGTON, Del., July 1 - Booker T Washington, who will tour Delaware on July 4, speaking at a number of towns. received a setback to-day when the town council of Georgetown refused to allow

him to hold a meeting in the public square. With the aid of several citizens of Seorgetown the Sussex County Court was secured; a platform will be owned by the county and Washington will speak therefrom. The negro leader arrive in Wilmington on Sunday and will speak at the Opera House that afternoon.

### HOLDS UP COLORADO STAGE. one Road Agent Gets \$500 From Pas-

sengers Besides Mail and Express. TELLURIDE, Col., July 1.-A lone highvayman wearing a black cloth mask and armed with a revolver this morning held up the mail and passenger stage between Paradox and Placerville.

He made the ten passengers line up in the road and took about \$500 from them He carried away two sacks of mixed mail and forced the driver to deliver an express package of currency which he evidently knew was on the stage. After ecuring money and mail the robber ordered all back into the stage and told the driver to "move on and don't look back," which injunction was obeyed.

#### FIRE AT HOTEL NETHERLAND. Destroyed Baggage Stored in Basement

and Made Trouble in Barber Shop. Baggage stored in the basement of the Hotel Netherland by guests who have sailed for Europe was destroyed yester day by a fire which Manager G. W. Sweet attributes to imperfect electric light wiring. The loss is estimated at \$8,000.

Although the exhaust fans kept the poke out of the office and dining room the people in the basement barber shop were choking when taxicab drivers pulled them up through a ventilator to the side Miss Louisa Anderson, a manicurist, and half shaved patrons were rescued before Engine 39 came from Fire Headquarters. Chief Croker, who happened to be passing, superintended

the work of putting out the fire. The traffic on Fifth avenue and on Fifty-ninth street was blocked for nearly Harden

an hour. Manager Sweet is rejoicing over rescue of his fine collection of heads of caribou, mountain sheep and elk which was stored in the baggage room.

### TAX RATE MAY BE 1.76, Aithough the Comptroller's

Figure It at 1.73. In obedience to the tax law the Commissioner of Taxes signed vesterday the final valuations of real and personal property in this city for this year. The books now go to the Board of Aldermen. which will receive them at a special meeting to be held next Tuesday . It is understood that the assessed valuation on the real estate of the city will show an increase this year of about \$235,000,000, which

will add \$23,500,000 to the city's borrowing capacity. The experts in the Comptroller's office figured it out yesterday that the tax rate this year would work out at about 1.73 as compared with the tax rate of 1.67 last year. This addition of six points would mean only a normal increase, but it is beleved by others outside of the Finance Department who are able to work out the city financial condition that the tax rate this year will be at least 1.76.

### SHOT AS LIABEUF DIED. Wounded Paris Policeman Cheated of His Prisoner by Accomplices.

Special Cable Despatch to THE SUN Paris, July 1. -At the moment that Liabeuf, the Apache, was about to be guillotined this morning a policeman of the name of Orestini fell with a bullet up and grappled with the man who had shot him. While escorting his prisoner to the nearest police station, says the Patit Parision, he was stopped by two men in civilian clothing, who said:

"We are superior police officials. Hand us the scoundrel." Orestini obeyed and the trio disap-

### STEUER WON'T APOLOGIZE. astice Ford Refers Ilis Case to Considera-

tion of Bar Association. Max D. Steuer, the lawyer, appeared before Supreme Court Justice Ford yesterday on an order to show cause why he should not be punished for contempt of a witness in a breach or promise suit as "foul and an insult to the witness and

his wife." Steuer said that he had no apologies to offer and that the minutes of another that Gov. Hughes would call another trial in which the witness testified justified special session of the Legislature if forty him in interrogating the witness as he did in an effort to impeach the character Assemblymen, signed a call for a caucus

of the witness. "I have felt that something should be to insult witnesses," replied the Court. case I shall content myself to refer the matter to the Bar Association with a recommendation that it be presented to

the Appellate Division."

# PRICE TWO CENTS. HUGHES GIVES UP THE FIGHT

SAW DEFEAT IN BOTH THE SENATE AND ASSEMBLY.

After He Found He Couldn't Get an Assembly Caucus on His Primaries Bill He Announced That He Wouldn't Call Another Session Letters From Taft

ALBANY, July 1 .- No direct nominations off was passed at the special session of the Legislature which adjourned finally this afternoon at 1 o'clock and no new legislative probe investigating resolution was passed. The only one of the three questions recommended for the consideration of the Legislature by Gov. Hughes on which the Legislature took favorable action was the passage of a graded inheritance tax bill which it is estimated will increase the State's revenue

annually about \$4,000,000. The Legislature also passed a bill appropriating \$25,000 for the expenses of the extraordinary session called by Gov Hughes, but these expenses will be in the neighborhood of \$40,000, the balance to

ome out of unexpended legislative funds While it was not generally known until after the Legislature adjourned to-day that President Taft had taken any erected alongside the court house on land action in regard to the Cobb direct nominations bill it was asserted then that Chairman Griscom had a communication from the President backing up his attitude and that the President had communicated with National Committeeman William L. Ward and other local leaders in the State with a view of helping out Gov. Hughes.

The Cobb-Green compromise direct nominations bill, favored openly by Gov. Hughes and Theodore Roosevelt, came to a vote on final passage in the Senate and failed by one vote. The twenty-five Senators who voted for the bill were all Republicans, including the twenty-three who attended the Republican caucus last night, and Senators Witter of Altegany and Emerson of Warren, who did not attend the caucus. Senator Emerson switched at the last minute when he saw that his vote would not make the necessary 26 votes to pass the bill in order to help the canvass for his renomination and reelection in his district next fall. The vote in detail on the final passage of the bill was as follows:

Ayes-Republicans-Agnew, Brough and Newcomb of Manhattan; Burlingame, Gledhill and Travis of Brooklyn; Allen of Rensselser, Cobb of Jefferson, Cordts of Ulster Davenport of Oneida, Davis and Hill of Erie, Emerson of Warren, Griffith of Wayne Hamilton of Chautauqua, Heacock of Herkimer, Hewitt of Cayuga, Hinman of Broome, Hobbe of Suffolk, Mackedzie of Niagara Rose of Newburgh, Thomas of Madison Wainwright of Westchester, White o Monroe and Witter of Allegany-25

Noes-Republicans-Alt and kissel of Brooklyn, Coats of Franklin, Grattan of Albany, Holden of Onondaga, Meade Monroe and Schiosser of Dutchess. Demo erats-Bayne of Richmond, Caffrey, Fraw Wagner of Manhattan: Cullen and of Brooklyn, Gardner of Mont gomery, Harte of Queens and Ramsperger

Senator Brackett did not vote on the bill, being too disgusted to follow the gyrations of Majority Leader Cobb on the direct nominations question. Senators Cronin, Grady and McManus, Democrats, and Platt, Republican of Steuben.

were absent. On motion of Senator Cobb the Griscom amendments exempting New York city were added to the bill by a vote of 24 to 21, Senator Witter voting with the twenty-three caucus Senators for the amendments and Senator Emerson voting against them. It took the Senate but a few minutes to dispose of the Cobb bill as the heart had gone out of the Hughes Senators.

Senator Gardner, Democrat of Mont gomery, who has been a consistent direct primaries man from the start, voted against the Cobb bill, saying: direct primaries, but I regard this bill as rank partisanship because it exempts New York city from its provisions, and I believe it to be my duty to support my party by voting against this measure.

"What useful purpose can there be in voting on this bill?" asked Senator Brackett. "It is well understood that after the action of the Assembly yester day this bill cannot be passed." The Republican leaders in the Legisla-

ture did not pass a bill providing for a direct State tax to pay this year's share of the canal and highway sinking funds declaring that it was unnecessary.

The feature of the legislative session to-day was the studied attempt of Gov Hughes to force a caucus of Republican in his neck. He immediately sprang Assemblymen. When Gov. Hughes reached the Capitol this morning after his all night vigil in the Executive cham ber, where he kept tabs on the Senate fight last night over the final adjournment resolution, he promptly told his friends that the jig was up. He told them that he would not call another specia session of the Legislature, as he would have nothing upon which he could hase such a call because twenty-six Republican Senators would not enter a caucus on the

Cobb bill. There were wild rejoicings on the legis lative floor of the Capitol when this news was brought up from the Executive chamber and Chairman Griscom and Postmaster Greiner and several Hughes legis for insisting on his right to ask a question lators hurried to the Executive chamber to see if the report that the Governor last week which the Court characterized had quit was true. There was a hurrieconference between these men and Gov Hughes and they came back up stair to the Assembly chamber and declared eight, or a majority of the Republican

Chairman Griscom, Postmaster Greiner and Assemblyman Green immediately done to curb the propensity of lawyers canvassed the Republican Assemblymen and they could only get the signature "This has been tolerated in our courts of thirty-nine to the call for a cancus more than it ought to have been. In this Ten of the Republican Assemblymen who voted for the Cobb bill last night refuse: to sign. While the efforts were being made about the Assembly chamber to get signatures to the caucus petition Gov. Hughes summoned a number of